

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBIN R. JORDAN,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,

Defendant.

4:08CV3217

MEMORANDUM AND ORDER

The plaintiff's complaint sought judicial review of an adverse social security decision. The primary issue raised was whether a vocational expert can rely on information published in the Occupational Employment Quarterly ("OEQ"), a publication of United Stat Publishing Company, as a basis for testifying the plaintiff remains able to perform jobs which exist in significant numbers in the regional and national economy. The parties did not cite, and the trial court did not find, Eighth Circuit law specifically addressing this issue.

The plaintiff timely filed an appeal of this court’s adverse decision, (see 28 U.S.C. § 2107(b)), along with motions for leave to appeal in forma pauperis. See filing nos. [25](#), [26](#), & [28](#). Due to a change in circumstances, the plaintiff filed an additional IFP motion, which is currently before the court. Filing No. [32](#). Upon review of the plaintiff’s motion for leave to appeal in forma pauperis,

IT IS ORDERED:

- 1) The plaintiff's appeal is taken in good faith, and the plaintiff is unable to pay the appellate filing and docketing fees.
- 2) The plaintiff's motion for leave to appeal in forma pauperis, (filing no. [32](#)), is granted, and his prior IFP motion, (filing no. [28](#)), is denied as moot.

January 25, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge